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## AMERICAN ART NEWS.

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In the interest of our readers, and in order to facilitate business, we are prepared to publish in our advertising columns, special notices of pictures and other art works, with reference to the individual desire of any owner or buyer to sell or purchase any particular example.

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## THE DUVEEN CASE.

The surrender of themselves by Messrs. Joseph J. and Louis Duveen, under indictment on the charge of undervaluation of art imports and consequent defrauding of the U. S. Government, the payment of a fine of \$10,000 each, with consequent remission of prison sentences, and the acceptance by the government of the Duveen firm's offer of \$1,200,000 as complete satisfaction of the government's claim for undervaluations and penalties, with release of the goods seized in the Fifth Ave. galleries here, does not entirely end the case. The criminal indictments against Mr. Henry J. Duveen, under \$75,000 bail and now in Europe and in poor health and Mr. Benjamin Duveen under \$50,000 bail and who has remained here, still stand, but if Messrs. Henry J. and Benjamin Duveen plead guilty when arraigned in October next, the indictments against them will probably be quashed, on payment also of \$10,000 fine, by each man.

The sudden virtual ending of the case was a surprise even to the best informed dealers and in art circles everywhere, and is generally looked upon with favor. The arrival of Messrs. Joseph and Louis Duveen was sedulously concealed, even from their friends, and was also a surprise. They acted, of course, upon the advice of their able counsel, who seem to have handled the case with skill and adroitness.

It cannot be denied that the Duveen matter with its sensational features has been a bad handicap in an "off" art season, and it is a relief to have it out of the way. It is hoped that no more sensations of the sort will occur.

## AMERICAN ART BOOMING.

The good total of sales at the Spring Academy thus far, and the reports from dealers handling Americans, and the studios, of a good market for the best American pictures, is indeed good and encouraging news, coming as it does towards the close of an unusually dull art season. Good prices also have been obtained and appear to prevail. Can it be that American art is coming into its own with the waning demand for seemingly any but famous masterpieces at enormous prices by early foreign painters? Gilbert Stuart, who received \$100 for a portrait, was once moved to say: "I get fair prices for my pictures, but the man who works with his hands can never become rich. A grocer will make more by buying a cargo of molasses in a day than my labor can bring me in a year." Times have changed.

## THE DUVEEN CASE.

Louis Duveen and Joseph J. Duveen, of the firm of Duveen Bros., appeared before Judge Martine in the U. S. Circuit Court last Monday and pleaded guilty to indictments charging them with having defrauded the government out of duties on importations. Judge Martine imposed a fine of \$10,000 upon each of the defendants. Benjamin J. Duveen and Henry J. Duveen, jointly indicted for the same offense, are out on bail and were not present at the hearing.

It was made known by the attorney for the Duveens that the firm had offered to pay the government \$1,200,000 in settlement of all claims against them, and U. S. District Attorney Wise in his reply to this proposition said: "It will be necessary for the defendants to deposit this sum with the treasurer of the U. S., and, when this is done, I will advise its acceptance. If it is accepted it will be in full settlement of all civil liability on the part of the firm, its members, employees and customers for any violation of the customs laws up to and including the date of its acceptance. But, if this settlement is accepted by the Washington authorities, it will not affect the indictments still standing against Henry J. and Benjamin Duveen."

No claim has as yet been made by an Englishman named Payne, formerly an employee of the Duveens in their New York house, for a reward as the first source of information in regard to the undervaluation of their importations. The sum the firm offers in satisfaction of all claims, \$1,200,000, has no bearing upon any prospective allotment to Mr. Payne.

The Secretary of the Treasury is empowered to award not to exceed \$5,000 in each of any suits instituted to recover unpaid duties or penalties for undervaluations. The government has instituted thirteen suits against the Duveens, which would make the maximum amount that the Secretary of the Treasury could allot to Mr. Payne, \$65,000.

In his letter to U. S. District Attorney Wise, Mr. John B. Stanchfield, Counsel for the Duveens, says in substance:

"The facts involved in the matter are exceptionally complicated, and it is a task of the greatest difficulty to determine and adjust item by item the many problems presented to us."

After a tribute to the Duveens as noted art dealers of long experience counting prominent collectors here and in Europe among their patrons, and as experts always willing to give advice to private persons and public institutions, Mr. Stanchfield proceeds:

"There is in this kind of business more or less of question as to the genuineness, place of origin, antiquity and history of any given object, and all these elements enter into the question of value. What a vase is worth is largely a matter of sentiment and what a prospective buyer is willing to pay. These and other considerations make it extremely difficult to fix a valuation upon a thing for the purpose of allocating the duties which should be paid upon the importation."

"The Duveens have long made it a practice to purchase entire collections at an agreed price, thus obtaining hundreds of articles, and in turn sell portions of the collection and retain others, so that one may readily see that what is a proper amount of duty upon an imported article so purchased in a large lot for a lump sum is extremely theoretical."

"We are not able to figure out on the evidence to which we have had access—and we have intended to sift it all—that the government would be able, by legal proof as to the amount of the shortage of duties paid to establish a claim in excess of \$400,000. A litigation of this character, however, would necessarily extend over a period of years, arouse great bitterness of feeling on both sides, embarrass many customers of the Duveens and hamper the future importations of this class of goods into the United States. The Duveens are naturally very solicitous of retaining the large and important customers and art collectors in this country with whom they have maintained over a period of many years the pleasantest associations, and they desire to make as liberal an offer of settlement of all claims as their means will permit."

"On this basis the Duveens will pay, in the full discharge of all claims of the United States against their firm, its customers and employees, the sum of \$1,200,000 within sixty days from date. This payment, it is understood, will also release all the goods which have been libeled by the government, and enable the Duveens to obtain such goods as may now await entry at the Custom House. It will also relieve the solicitude of the public as to dealing with the firm and give assurance that all purchases made are free from any government claim."

"We feel that in advising the payment of this amount of money by our clients the government is amply compensated and that a full rehabilitation of the business standing and reputation of the Duveens should be a natural and logical sequence."

The Morning Post is authority for the statement that the sale of Titian's "La Schiavona," to a Frenchman for \$200,000 has created much unfavorable comment in Italian art circles, and is considered to be a direct violation of the law forbidding the sale of art works for exportation.

Commenting on the sale by Sir Hugh Lane of his painting by Titian, "A Man in a Red Cap," the London Times says:

"For a picture which a century or so ago cost only a few hundred guineas to change hands in these days at five and six figures is not a very extraordinary circumstance. But to purchase a picture at 2,100 gns., and to sell it in less than five years at £30,000, and that not to the ever present American millionaire, is an achievement quite out of the usual run."

The picture was sold at one time at Christie's for 91 guineas, in 1876. In 1906 it came up there again among anonymous properties and the bidding on it started at 20 guineas. It was bought by Sir Hugh (then Mr.) Lane at 2,100 guineas.

## REMBRANDT'S "THE MILL."

A London cable says: "The nation's option on Rembrandt's 'The Mill,' expired on Friday and no subscription has been started for its purchase."

"Lord Michelham has doubled his offer of a contribution to aid in the purchase of the picture to \$50,000, but as the total of the offers aggregate but \$86,000, it is likely that the picture will soon go across the Atlantic."

The Philadelphia "Item" states, on the authority of a London cable, it is reported there that "The Mill" has been purchased by Mr. P. A. B. Widener of Philadelphia. The price is not given.

## BROOKLYN MUSEUM GIFTS.

The Brooklyn Institute Museum announces an addition to its collection of Chinese Cloisonné enamels, all of which are the gifts of Mr. S. P. Avery. The most recent gift consists of forty-five pieces, purchased by Mr. Avery at the recent auction sale of the Robert Hoe collection, and of twelve additional pieces from Mr. Avery's own private collection. The original gift, made over a year ago, consisted of ninety-two pieces of Mr. Avery's private collection. The total value of this gift is between \$40,000 and \$50,000. The collection has no rival in this country and it is probable that its equal cannot be found among the public collections of Western Europe.

## OBITUARY.

## Sir Caspar Purdon Clarke.

Sir Caspar Purdon Clarke died in London last Wednesday. He was born in London in 1846, and began his career as an architect, but until he came to New York in 1905 had devoted most of his time to the South Kensington Museum, of which he was director for many years. He was a director of the School of Applied Design from 1905 to June, 1910, and was director of the Metropolitan Museum, when he resigned and returned to London. He was given a pension of \$15,000 a year on his retirement.

While Sir Purdon was not an art expert he was well versed on industrial education, and in matters of decoration had rare good taste. He was more of an architect than an art director, but his executive ability, geniality and temperament were of great and timely service to the Museum. A man of his calibre was solely needed by the institution after the narrow policy and methods of his predecessor, Gen. Cesnola, who had rendered the Museum almost unpopular with the public by his brusque manners and exclusiveness. Sir Purdon popularized the Museum and this achievement far outweighs the effect of some careless talking and unwise statements regarding art, and especially pictures, that he had made. He also stimulated the Museum trustees to pay attention to American art, which Gen. Cesnola preferred to ignore.

It would seem that the best appreciation of his services to the Museum is that contained in the terse and true resolutions passed by the Museum trustees on his retirement two years ago and which follow:

"By his geniality and kindly manner as well as by his broad artistic sympathies, he has endeared himself to a large and constantly increasing circle of friends not only in our own city, but throughout the whole United States. His long and varied museum experience in Europe and the Far East made his services of especial value to us, and his sympathy with industrial art has helped to give our museum the breadth of development which it has manifested during the last five years in which he has held office."